

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
RENTON, WASHINGTON 98055-4056**

In the matter of the petition of

LifePort, Inc.

for an exemption from §§ 25.562 & 25.785(b)
of Title 14, Code of Federal Regulations

Regulatory Docket No. 29854

GRANT OF EXEMPTION

By letters dated April 14, 1999, and December 8, 1999, Mr. Don Bechtold, Director of Engineering, LifePort Inc., 1610 Heritage Way, Woodland, WA 98674, petitioned for exemption from the requirements of §§ 25.562 and 25.785(b) of Title 14, Code of Federal Regulations (14 CFR). The proposed exemption, if granted, would permit a medical stretcher installation on Gulfstream G-V airplanes.

The petitioner requests relief from the following regulations:

Section 25.562, as included by reference in Type Certificate Data Sheet (TCDS) A12EA for G-V airplanes, requires compliance with the structural and occupant protection requirements of § 25.562 as adopted by Amendment 25-64, except that shoulder harnesses on all seats may be provided in lieu of demonstrated compliance with the restraint strap loading, head protection, and femur loading test requirements of § 25.562(c)(1), (c)(5), and (c)(6), respectively.

Section 25.785(b), as amended by Amendment 25-72, requires that each seat, berth, safety belt, harness, and adjacent part of the airplane at each station designated as occupiable during takeoff and landing must be designed so that a person making proper

use of these facilities will not suffer serious injury in an emergency landing as a result of the inertia forces specified in §§ 25.561 and 25.562.

The petitioner's supportive information is as follows:

"LifePort, Inc. hereby petitions for an exemption from § 25.562 and part of § 25.785(b) of the Federal Aviation Regulations (FAR) to the extent necessary to permit certification of medical stretchers for transport of persons whose medical condition dictates such accommodations. The exemption would be for installing the LifePort medical berth in the Gulfstream G-V.

"LifePort owns supplemental type certificates (STC's) for the PLUS and AeroSled for numerous part 23, 25, 27, and 29 aircraft. The certification requirements for those aircraft have resulted in good service history with no adverse experience. No stretcher installations have been shown to meet the dynamic criteria. Parts 23, 27, and 29 specifically exclude litters from the dynamic criteria.

"LifePort notes that the estimated cost of demonstrating compliance of stretcher installations with dynamic test requirements is quite high considering the limited number of units for which the cost could be amortized. Since none have been shown to comply with the dynamic test criteria, stretchers can not currently be used on airplanes whose type certificate bases include the dynamic requirements. In this case, a person who needs to travel for essential medical care can either charter an airplane, at 5 to 10 times the cost of a commercial ticket, or if the cost is prohibitive, fail to receive the needed treatment (the consequences of which may be fatal). Another alternative would be flying an alternative route on an aircraft whose certification basis does not require dynamic testing. This would offer no increase in safety and may not be available.

"LifePort feels that granting the petition would be in the public interest for the following reasons:

"1. The exemption would relieve an economic burden for a segment of the traveling public already dealing with adversity;

"2. The level of safety that would be provided is an acceptable level of safety given the limited usage and exposure of the stretcher;

"3. Compliance with the dynamic test requirements would be difficult at best, and very expensive, while returning a marginal safety benefit. In addition, § 25.562 is written specifically for seats and would not be easily applied to a litter.

"This petition is consistent with Exemption No. 6625 which was granted for LifePort litter installations in Cessna 750 (Citation X) airplanes. In this case, the intent for the exemption is for non-ambulatory persons. LifePort recommends that this intent be covered by a limitation in the Flight Manual Supplement to the effect that occupancy of the AeroSled during takeoff and landing is for non-ambulatory persons only."

A summary of LifePort's petition was published in the Federal Register on February 2, 2000 (65 FR 22). No comments were received.

The FAA's analysis/summary is as follows:

The FAA agrees that stretchers for medical use were not considered in the context of the dynamic test requirements of § 25.562 when the regulation was developed. Occupancy of other berths during takeoff and landing for ambulatory persons was not considered feasible under the conditions of § 25.562; and for the purposes of compliance, stretchers are considered "berths." The FAA acknowledges that part 25 differs from other aircraft regulatory standards in this regard.

The FAA agrees that demonstrating compliance with the requirements of § 25.562 would be very difficult, and applicability of the existing pass/fail criteria to these installations is questionable.

The FAA has also considered the cost implications and the overall benefits resulting from usage of the stretchers. If a person is forced to charter an airplane, when carriage by commercial carrier would have otherwise been acceptable, it is possible that the resultant cost would be prohibitive, and the necessary medical attention will not be available. Certainly, any safety benefit from averting the possible consequences of a stretcher not meeting the dynamic test requirements is moot in this case.

The FAA has also considered that the use of a stretcher is limited, and on a case by case basis. The exposure to the possibility of an accident on any given flight is therefore less than for airplanes in general. Since use of the stretcher for takeoff and landing is limited only to those persons whose medical condition dictates travel in that manner, the FAA does not consider this a precedent-setting finding.

With respect to the overall level of safety, the FAA notes that full compliance with the requirements of § 25.561 will be demonstrated for the stretcher. In addition, the remainder of the seats will comply with § 25.562 to the extent required by the certification basis of the Gulfstream G-V. Therefore, the primary effect of the exemption is to alleviate compliance with the injury criteria for the occupant of the stretcher itself.

In consideration of the foregoing, I find that a grant of exemption is in the public interest and will not significantly affect the level of safety provided by the regulations. Therefore, pursuant to the

authority contained in 49 U.S.C. §§ 40113 and 44701, delegated to me by the Administrator (14 CFR § 11.53), LifePort Inc. is hereby granted an exemption from the requirements of 14 CFR §§ 25.562 and 25.785(b) to the extent required to permit supplemental type certification of a medical stretcher installation on Gulfstream G-V airplanes, with the following condition:

Occupancy for takeoff and landing is limited to non-ambulatory persons. Suitable means to identify this limitation shall be provided as part of the stretcher type design.

Issued in Renton, Washington, on May 2, 2000.

/s/ Vi L. Lipski
Vi L. Lipski
Acting Manager
Transport Airplane Directorate
Aircraft Certification Service, ANM 100